

Article - Real Property

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§11A–119.

(a) It is unlawful for any person when selling time-shares in the State, to authorize, use, direct, or aid in the dissemination, publication, distribution, or circulation of any statement, advertisement, radio broadcast, or telecast concerning the time-share project in which the time-shares are offered which contains any statement or sketch which is false or misleading or contains any representation or pictorial representation of proposed improvements or nonexistent scenes without clearly indicating that the improvements are proposed and the scenes do not exist.

(b) No advertising for the offer or disposition of time-shares shall:

(1) Contain any representation as to the availability of a resale program or rental program offered by or on behalf of the developer unless the resale program or rental program has been made a part of the offering and submitted to the Commission;

(2) Contain an offer or inducement to purchase which purports to be limited as to quantity or restricted as to time unless the numerical quantity or time applicable to the offer or inducement is clearly and conspicuously disclosed;

(3) Contain statements concerning the availability of time-shares at a particular minimum price if the number of time-shares available at that price comprises less than 10 percent of the unsold inventory of the developer, unless the number of time-shares then for sale at the minimum price is set forth in the advertisement;

(4) Contain any statement that the time-shares being offered for sale can be further divided unless a full disclosure of the legal requirements for further division of the time-share is included;

(5) Contain any asterisk or other reference symbol as a means of contradicting or changing the ordinary meaning of any previously made statement in the advertisement;

(6) Misrepresent the size, nature, extent, qualities, or characteristics of the accommodations or facilities which comprise the time-share project;

(7) Misrepresent the nature or extent of any services incident to the time-share project;

(8) Misrepresent or imply that a facility or service is available for the exclusive use of purchasers or owners if a public right of access or of use of the facility or service exists;

(9) Make any misleading or deceptive representation with respect to the contents of the time-share instrument, the sales contract, or this title;

(10) Misrepresent the conditions under which a purchaser or owner may participate in an exchange program;

(11) Describe any proposed or uncompleted private facilities over which the developer has no control unless the estimated date of completion is set forth and evidence has been presented to the Commission that the completion and operation of the facilities are reasonably assured within the time represented in the advertisement; or

(12) Describe or portray any improvement which is not required to be built unless the description or portrayal of the improvement is conspicuously labeled or identified as “need not be built”.

(c) It is unlawful for any person to use any promotional device, including sweepstakes, gift awards, lodging certificates or discounts, with the intent to solicit the acquisition of time-shares without disclosing that purpose.

(d) A person may not utilize a promotional device to solicit the purchase of a time-share or offer merchandise or services to any prospective purchaser without clearly disclosing the retail value of such merchandise or services. No promotional device may involve any elements of chance as to the selection or award of particular merchandise or services to any prospective purchaser.

(e) It is unlawful for any person using a promotional device to solicit the purchase of a time-share to fail to award all items promised in such promotion by the date and year specified in the promotion.

(f) A public offering statement may not be used for promotional purpose before the developer is registered and afterwards only if used in its entirety. No person may advertise or represent that the Commission or the Secretary of State has approved or recommended the time-shares or any of the documents contained in the application for registration.

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